

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CATHERINE L. WISSENBACK,

Plaintiff,

v.

OREGON JV, LLC et al.,

Defendants.

No. 2:24-cv-02047-DJC-JDP

ORDER

On January 23, 2025, Plaintiff's counsel, John Latini, failed to appear at oral argument for Defendant Christopher Peterman's Motion to Dismiss (ECF No. 5). Defendant's counsel, Jason Sommer, appeared. In response, this Court issued an Order to Show Cause requiring Plaintiff to show cause, in writing, as to why the Court should not issue sanctions for failure to appear, or in the alternative, assess costs against Plaintiff borne by counsel for the Defendant regarding his attendance at the scheduled hearing, see Local Rule 230(i). (ECF No. 16.) Latini requested that sanctions not be issued and explained that his failure to appear was the result of his poor judgment. (ECF No. 19.) Defendant now seeks reimbursement for the costs associated with preparing for, and attending, oral argument. (See "Decl. of J. Sommer" (ECF No. 18).)

1 Defendant requests \$1,093.00 in total costs. (Decl. of J. Sommer ¶ 7.)
2 Defendant's counsel's hourly rate for new clients and/or non-insurance legal matters is
3 \$425 per hour. (*Id.* ¶ 3.) The rate for cases where insurance is involved, such as this
4 one, is \$245 per hour. (*Id.*) From the Declaration provided, the Court finds that the
5 rate is reasonable. (See *id.* ¶¶ 4-6.) Defendant's counsel spent 4.4 hours on the
6 Motion to Dismiss hearing. (*Id.* ¶ 7.) This time consisted of 2.4 hours of preparation,
7 one hour of travel to and from his office in Roseville, California to attend the hearing,
8 and nearly one hour of waiting in court on the day of the hearing. (*Id.*) He also spent
9 fifteen dollars on parking. (*Id.*) The total costs and fees were calculated by multiplying
10 the hours Defendant's counsel spent, 4.4, by the hourly rate, \$245, to get \$1,078 plus
11 the fifteen-dollar parking for a final assessment of \$1,093. The Court finds that the
12 calculation of costs is reasonable. Moreover, the Court concludes assessment of costs
13 to compensate Defendant's appearance for an argument that was unable to take
14 place is appropriate in this case given the Plaintiff's response to the Order to Show
15 Cause.

16 Based on the foregoing IT IS HEREBY ORDERED:

- 17 1. Plaintiff's counsel is assessed costs of \$1,093.00 incurred by
18 Defendant's counsel in preparing for the motion hearing.
- 19 2. Within fourteen days of this Order, Plaintiff's counsel is to submit
20 proof of payment with the Court.
- 21 3. The Order to Show Cause (ECF No. 16) is DISCHARGED.

22
23 IT IS SO ORDERED.

24 Dated: **February 21, 2025**


25 Hon. Daniel J. Calabretta
26 UNITED STATES DISTRICT JUDGE
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